IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

Bail Appl..No. 4628 of 2007()

CRMP.2229/2007 of D.C. & SESSIONS COURT,KOLLAM
F.I.R.NO.132/07 OF WEST POLICE STATION

.....

PETITIONER/ACCUSED:

ARUN JOSEPH, AGED 27 YEARS,
S/O. JOSEPH, PARAKKAL VEEDU, KANNIMEL CHERRY,
MARUTHADY P.O., KOLLAM.

BY ADV. SRI.VIKANTH K.PUTHUMANA

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4628 OF 2007

Dated this the 1st day of August, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. Their marriage took place on 16/3/03. They have been blessed with one child in the wed-lock. They belong to different communities and they got married after they fell in love. There is some strain in the matrimonial relationship now. A crime has been registered on the basis of a private complaint filed by the de facto complainant before the learned Magistrate which has been referred to the police by the learned Magistrate under Sec.156(3) of the Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest. The learned counsel for the petitioner submits that the strain in the matrimonial tie is prompting the de facto complainant to make such exaggerated and vexatious allegations. The arrest and

detention of the petitioner would mar the matrimonial tie beyond repair. In these circumstances, subject to appropriate conditions, anticipatory bail may be granted to the petitioner, it is prayed.

2. The learned Public Prosecutor does not oppose the said prayer and I am satisfied that anticipatory bail can, in these circumstances, be granted to the petitioner. I take particular note of the fact that there is no specific allegation of any physical cruelty resulting in injury.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 8/8/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 9/8/07 and 10/8/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 8/8/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 8/8/07.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge